

PLANNING AND ZONING COMMISSION
Monday, January 11, 2010 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Graber, Dr. Konold, Mr. Knowlton, Ms. Solomon, Mr. Vasko and Mr. Wynkoop.

Mr. Christensen also noted that Beth Deeds from the Landmarks Commission was present for the Preservation Area application.

Election of Officers for 2010

Mr. Wynkoop made a motion to go into Executive Session to discuss officers for 2010. Mr. Graber seconded the motion.

VOTE: AYES: Christensen, Graber, Konold, Knowlton, Solomon, Vasko and Wynkoop
 NAYS:
 Motion Carried.

Time Out: 7:01 p.m.

Time In: 7:05 p.m.

Mr. Wynkoop made a motion to elect Bill Christensen as Chairman for 2010. Mr. Vasko seconded the motion.

VOTE: AYES: Christensen, Graber, Konold, Knowlton, Solomon, Vasko and Wynkoop
 NAYS:
 Motion Carried.

Mr. Wynkoop made a motion to elect Mike Vasko as Vice-Chairman for 2010. Dr. Konold seconded the motion.

VOTE: AYES: Christensen, Graber, Konold, Knowlton, Solomon, Vasko and Wynkoop
 NAYS:
 Motion Carried.

Mr. Wynkoop made a motion to elect Jeff Graber as Secretary for 2010. Mr. Knowlton seconded the motion.

VOTE: AYES: Christensen, Graber, Konold, Knowlton, Solomon, Vasko and Wynkoop
 NAYS:
 Motion Carried.

Approval of Minutes

Dr. Konold made a motion to approve the minutes of the December 14, 2009 regular Commission meeting as edited (repeated paragraph on the discussion of single family housing in Downtown). Mr. Vasko seconded the motion.

VOTE: AYES: Christensen, Graber, Konold, Solomon, Vasko and Wynkoop
 NAYS:
 ABSTAIN: Knowlton
 Motion Carried.

Public Comment - None.

Preservation Area Review

Item 1. Preservation Application #PA-09-06 Property Owners and Applicants Joe and Kelly Abbott of property located at 59 West Columbus Street are requesting plan approval to build a detached 1 ½ story garage at the rear of the property. Allan Neimayer, Planning and Zoning Administrator, gave the staff report. Mr. Abbott was present to answer questions from the Commission.

Mr. Vasko asked if there is a variance needed for the size of the garage. Mr. Neimayer stated yes and that it is being treated as an administrative variance. The size is comparable to others properties and should not be a problem. He will check the property address file and report back to the Commission at the next meeting.

Mr. Abbott explained that the garage structure is going to match the addition to the house as closely as possible. Same dimensional shingles, windows and hardi plank siding and trim will be used. Mr. Graber asked what the square footage of the garage is. Mr. Abbot said that the footprint is 960 square feet. He is not sure about the second story area.

Mr. Vasko stated that he supports this and that Mr. Abbott is his next door neighbor.

Mr. Christensen asked Mrs. Deeds if she had any questions or concerns about the project. She stated no.

Mr. Vasko made a motion to approve Application #PA-09-06 as presented. Ms. Solomon seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Konold, Solomon, Vasko, Wynkoop and Deeds
 NAYS:
 Motion Carried.

Public Hearings

Item 2. Variance Application #VA-09-07 Property Owners Chris and Bev Hockman and Applicant John Lind, for property located at 148 East Waterloo Street, are requesting approval of Variances to Section 1195.04 (a) to increase the 720 maximum square footage of an accessory structure to 792 square feet, and to Section 1195.04 (c) to reduce the side yard setback from ten feet to four feet. Mr. Neimayer gave the staff report. John Lind, representing the Property Owners, was present to answer question form the Commission.

Mr. Lind commented that the Hockman's own the twelve foot wide property between their house and the neighbors. So the structure is actually eighteen feet from the neighbor's property line. Mr. Wynkoop asked if it would match the existing garage in every way. Mr. Lind stated yes it will match.

Mr. Christensen opened the public hearing.

Mr. Vasko made a motion to close the public hearing. Mr. Knowlton seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Konold, Solomon, Vasko and Wynkoop
NAYS:
Motion Carried.

Mr. Knowlton made a motion to approve Application #VA-09-07 as presented. Dr. Konold seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Konold, Solomon, Vasko and Wynkoop
NAYS:
Motion Carried.

Item 3. Conditional Use Application #CU-09-02 Property Owner Jennie Hicks and Applicant Chris Myers, for property located at 120 North Trine Street, are requesting approval of a Conditional Use Permit to Section 1171.03 (h) to allow for an automobile repair use in a LM District. Andrew Dutton, Zoning Officer, gave the staff report. Chris and Ann Myers, representing the Property Owners, were present to answer question form the Commission.

Mr. Dutton noted for the record that Barbara Huston, 81 East Hocking Street, called the office on January 6, 2010 to oppose Application #CU-09-02 for the following reasons: 1) noise from the auto business and 2) afraid the proposed use will negatively affect her property value. Mrs. Huston is in Florida and unable to attend tonight's public hearing.

Mr. Knowlton inquired as to what the rest of the space was to be used for. Mr. Dutton stated that the blue shaded area would be a high performance Nissan repair shop and the red area for restoring classic cars. The rest of the building will be used as warehousing/storage for Mr. Myer's landscape company, which is an allowable use.

Mr. Knowlton stated for the record that he owns property about one block east of this property.

Mr. Vasko stated that he will not participate in this discussion or the vote as The Hicks (Property Owners) are one of his clients.

Mr. Myers explained that there is a garage door where the classic cars will be wheeled in and out. Mr. Knowlton asked if it was walled. Mr. Myers stated that yes it is. He does not want to leave his landscaping equipment outside either. And the rear doors will be used for delivery and access to equipment. He said that most activity will take place on the north side of the building and does not believe that noise will be an issue.

Mr. Knowlton asked if he was opposed to fences. Mr. Myers said that he would eventually like to get a fence or buffer using natural fencing. He also stated that he had met one of the neighbors who currently parks in the lot and she asked him if she would still be allowed to do that. He told her he did not have a problem with that. Mr. Myers also said that one of the neighbors has a chain link fence but there is still plenty of room for a landscaping buffer. He has plans to do a lot of landscaping to improve the property.

Mr. Graber asked if the east side of the property that he is going to use for landscaping equipment is it walled off. Mr. Myers stated that yes it is. A man door will need to be installed for restroom access.

Mr. Knowlton asked if he would be painting cars as part of restoring them. Mr. Myers said that a paint booth will need to be in area one, but a similar set up was already done. He just needs to improve it. Currently all painting is being sent out. He would eventually like to do painting there, but this could be a long way down the road.

Mr. Christensen opened the public hearing.

Cliff Reynolds, 53 East Hocking Street, voiced his objections to this application. He is not opposed to the landscape company, but he is opposed to the auto business due to the noise.

Alaina Reynolds, 16 East Hocking Street, is opposed to this use because she is concerned about the noise and having it in her backyard.

Miriam Boyler, 37 East Hocking Street, has a water easement and is concerned about anything going on the grassy are in this easement and disrupting her drainage. If a fence is put in she would be unable to access her property from the rear and is concerned that fire trucks would also not be able to access it. She also has concerns with the smell and noises that would come from the auto uses.

Mr. Wynkoop made a motion to close the public hearing. Dr. Konold seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Konold, Solomon, Vasko and Wynkoop
 NAYS:
 Motion Carried.

Mr. Myers asked if he could speak again about some of the issues that were brought up. Mr. Christensen said yes.

Mr. Myers stated that this building used to be a print shop. So there was already painting going on. As far as the fence, he would like a natural fence (later clarified to mean landscaping).

Ms. Myers stated that an exhausted title search was done on the property and found no easements. A full title search was done. She asked Mrs. Boyler for a copy of the water easement.

Mr. Myers commented on the noise. In Area 1 the hours of operation would be 8 a.m. to 5 p.m. There will be no night time work. There will only be one employee working on cars at a time. He cannot imagine that there would be enough noise to interfere to the neighbors. In Area 2 there will be two mechanics working.

Mr. Graber asked if trucks and equipment from the landscaping company would be inside. Mr. Myers said yes. He has always parked his vehicles inside.

Mr. Graber asked Mr. Neimayer if they approve the conditional use for auto repair will it potentially open up that entire property to being used in the future as an auto repair. Or can they specify certain areas of the building. Mr. Neimayer stated yes, as a condition to a Conditional Use Permit the Commission can specify the area for the auto uses. And if the

owner wanted to expand that approved area, he would be required to bring that request back to the Commission for review and approval.

Mr. Knowlton stated that he would like to see some kind of screening put in ASAP. Mr. Neimayer stated that normally would fall under the site development plan approval and not a conditional use approval.

The Commission continued its discussion about the possible conditions on the use of the property. The Commission then decided it would like to see the Site Development Plan Application prior to making a decision.

Dr. Konold made a motion to approve Application #CU-09-02 with the following conditions:

1. Maximum 1,000 square feet for the antique car restoration and repair.
2. Maximum 2,000 square feet for the high performance Nissan repair
3. Hours of operation for the two auto uses will be limited from 8 a.m. to 6 p.m.
4. Any other uses will have to be brought back to the Commission.

Mr. Wynkoop seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Konold, Solomon and Wynkoop
 NAYS:
 ABSTAIN: Vasko
 Motion Carried.

Pending Items

Item 4. Site Development Plan # SDP-09-04 Property owner Jennie Hicks and Applicant Chris Myers, for property located at 120 North Trine Street, are requesting approval of a Site Development Plan to allow for multiple non-residential uses on a single lot of record within the existing structure. Mr. Dutton gave the staff report. Mr. Chris Myers and Ms. Ann Myers were present to answer questions from the Commission.

Mr. Graber asked what type of plants will be used for the natural fencing. Mr. Myers stated that he would use arborvitae three to six feet wide. They would be at various heights, but approximately six feet and planted three feet apart. Arborvitae is an evergreen, so it will be green year round. Mr. Myers also explained that he wants to redo the landscaping around the front of the property and eventually clean up the building. But this is something that will happen down the road in parts. He can not afford to do it all at once.

Mr. Knowlton asked if there is any kind of timetable for completion. Mr. Myers said no it really just depends on the business. He would like to plant in the fall as the plants take better. Because of finances, the work that has to be done to bring the building to code will be done first then he will address the outside issues.

Dr. Konold stated that he does not have a problem with the use. He does not believe that there will be any more noise than from a neighbor working on a car in his garage.

Mr. Wynkoop said that he is not opposed but would like to see a recommendation for two spaces alone and limit the shop hours to 6 p.m. As for the twelve additional parking spaces required by the use to either put them in or request a variance. And he would also like to see access for the neighbor (Miriam Boyler).

Mr. Neimayer discussed the off-street parking issue. It could be a possible variance or exchange less parking for more tree islands and landscaping at the time of the variance.

Mr. Knowlton made a motion to table application SDP-09-04 subject to a parking variance. Mr. Wynkoop seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Konold, Solomon and Wynkoop
 NAYS:
 ABSTAIN: Vasko
 Motion Carried.

Item 5. Site Development Plan # SDP-09-03 Property Owner is Sky Bank c/o Huntington National Bank, Bank Property Division, and the Applicant John Burkemper with Amcon Design & Construction Company, representing Firestone Complete Auto Care, for a property located at 6574 Winchester Boulevard are requesting approval of a Site Development Plan for a 7,609 square foot retail space for an automobile service center. Allan Neimayer, Planning and Zoning Administrator, gave the staff report. Tom Paul & John Burkemper, representing Firestone, were present to answer questions from the Commission.

Mr. Paul commented on the Commission's concerns from the last meeting. He understands about the building placement, but with the gas line easement it makes it hard to move the building to much. As for the concerns that the site is too small for the development he disagrees. In his history a building is usually twenty-five percent of the site coverage. This current building is approximately fifteen percent of the site coverage.

In terms of lightning, he is open to suggestions about the type of lights and would like to help improve the lighting for them to help set a precedent for lightning type. John Burkemper stated that the retention pond would be designed as a wet basin. But the required gallons for size may not match exactly.

Mr. Paul stated that they would like to put stop signs or speed bumps at the entrance and speed limit signs on the access/service road – anything to help safety.

Mr. Knowlton stated that he wanted to address the design of the building. He has a problem with the blank brick walls on the building. Mr. Burkemper said they can dress it up by copying the look of the building on the east elevation. Mr. Paul said they would be willing to work with the Planning and Zoning Commission on this item. Mr. Knowlton also stated that he would like to see roof dormers over the bay doors. Something more dressed up since it is at the main intersection into our community.

Ms. Solomon asked if the shingles are dimensional shingles. Mr. Burkemper stated yes they are.

The Commission continued the discussion about the types of lights they would like to see.

Mr. Vasko asked about landscaping on the north side of the building. Mr. Burkemper stated there was an additional drawing sent with more landscaping. Mr. Vasko also stated that he

would be ok with less parking if they could have additional green space. It would require a variance but would be better than all the asphalt. Mr. Paul said if the Commission does not have a problem with that then yes he could do it.

Mr. Wynkoop made a motion to table application #SDP-09-03 with recommendations to come back with: 1) an updated lighting plan including an updated photometrics map, 2) addressing the blank walls, 3) revised landscaping package per comments from Dick Miller, Urban Forester, and 4) reduce some parking spaces in return for more green space. The Applicants were asked to relook at the garage doors on the bays. Mr. Graber seconded the motion

VOTE: AYES: Christensen, Graber, Konold, Knowlton, Solomon, Vasko and Wynkoop
NAYS:
Motion Carried.

Old Business None.

New Business

1. Zoning for single family detached dwellings in the downtown area. Mr. Neimayer discussed the residential use and zoning in the downtown area. The areas in question are currently zoned General Commercial. Because they are residential properties, if the house was destroyed by more than 50 percent, it can not be rebuilt for use as a single family home. Mr. Neimayer showed slides to present the different problems and options needed for the area.

Mr. Graber asked if they could just add a general statement to the GC area that they can be returned to single family residences. Mr. Neimayer cautioned doing that for the entire downtown area. The homes on West Waterloo Street between High and Washington streets that have been converted to businesses should stay businesses and no returned to single family homes. On the other hand, homes on the north side of East Waterloo Street between High and Trine streets should remain residential as they are part of a residential neighborhood. A similar argument can be made for North High Street between Mound Street and the railroad tracks.

The Commission continued discussion about what they would like to see in the downtown area. Dr. Konold made a motion to initiate an application to amend Section 1175.01 (d) (2) to read as follows: Residential uses in the GC district. Mr. Knowlton seconded the motion.

VOTE: AYES: Christensen, Graber, Konold, Knowlton, Solomon, Vasko and Wynkoop
NAYS:
Motion Carried.

Planning and Zoning Administrator's Report

1. Reminder next Tuesday, Council will have a public hearing on the two rezoning applications, 485 and 460 West Waterloo Street. Mr. Knowlton stated he would represent the Commission at the Council hearing.
2. West Mound Street and West Oak Street rezoning was passed by Council in December and will be effective on January 20, 2010.
3. The Preservation Guidelines amendments were also passed by Council in December and became effective on January 6, 2010. Copies will be available soon.

4. Amendment on the Comprehensive Development Signage Text for Winchester Square Shopping Center (signage for Swans Cleaners) was approved by Council in December and became effective on January 6, 2010. We are still waiting on their sign permit submittal to get that started.

Mr. Wynkoop informed the Commission that he will be resigning from the Planning and Zoning Commission to take over the empty seat on Village Council.

Mr. Vasko made a motion to accept Mr. Wynkoop's resignation with regret. Dr. Konold seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Solomon and Vasko
 NAYS: Konold
 ABSTAIN: Wynkoop
 Motion Carried.

Adjournment

Mr. Vasko made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. Knowlton seconded the motion.

VOTE: AYES: Christensen, Graber, Knowlton, Konold, Solomon, Vasko and Wynkoop
 NAYS:
 Motion Carried.

Time Out: 10:07 p.m.

Date _____

Bill Christensen, Chairman

Jeff Graber, Secretary

NOTE: The minutes set forth herein are an extract of the Planning and Zoning Commission meeting. Anyone desiring a transcript of the complete minutes of the Planning and Zoning Commission meeting may obtain the same at a cost of \$10.00 per page.